

# **FINAL DRAFT DOCUMENT**

## **A LOCAL LAW**

### **Town of Hounsfield Zoning Law**

**October 2009**

#### **Intent and Purpose of Law**

To encourage alternative energy technology uses in our community by creating guidelines and performance standards for siting, installation, and uses for non-commercial wind, solar, geothermal, and methane digester systems.

#### **Definitions:**

**Essential Services:** Defined as the erection, construction, alteration, operation or maintenance by municipal agencies or publicly regulated utilities of telephone equipment centers, electrical or gas substations, water or sewer treatment or storage structures, pumping stations or similar structures related to public services. The definition of essential services shall not include minor wind power generating facilities, solar panel installations, minor geothermal installations, or methane digester systems.

**Wind Power Generating Facilities, Minor:** Wind generating facilities which generate power on site, rated at a capacity of 100 kilowatts or less, used for onsite consumption.

**Wind Test Tower:** A structure erected for the purpose of measuring wind speed and strength.

**Solar Panel Energy System:** A system including panels and storage batteries, for onsite power consumption.

**Minor Geothermal Installation:** An underground installation of a geothermal heating and cooling system for onsite use only.

**Methane Digester System:** Anaerobic digestion system as a renewable energy source, for the purpose of generating electrical and/or heat energy for onsite consumption in an agricultural setting.

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District Regulations, Section 405 AR, Agricultural/Residential District; Section 410 H, Hamlet District; Section 415 I, Industrial; Section 420, MU Multi-Use District; Section 425 M, Marine District; and Section 430, State Highway Overlay District as follows:

C. Site Plan Review Uses: Wind Power Generating Facilities, Minor  
Solar Panel Energy Systems, Ground-Based  
Minor Geothermal Installations  
Methane Digester Systems

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#### Application for Wind Power Generating Facility, Minor, Site Plan Review

In addition to site plan review requirements described in Section 610 Hounsfield Local Law, application for a minor wind power generating facility shall include:

1. Location of all structures, trees, other significant or unusual features on the property, and other towers on the site and within 35 feet of any adjacent property line.
  2. All information prepared by the manufacturer of the wind power structure including, but not limited to the make and model of the tower, the manufacturer's design data, construction plan, and installation instructions.
  3. Documentation of the intent and proposed capacity of the wind power tower.
  4. A completed Environmental Assessment Form (long form)
  5. A completed Visual Environmental Assessment Form. The Planning Board may require submission of more information based on the result of the VEAF.
  6. Credentials of the contractor installing the tower, including insurance documentation.
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#### Standards for Minor Wind Power generating Facilities

##### Placement:

Should be governed by mechanical efficiency, and shall in every way minimize impacts on neighboring properties

##### Setbacks:

From all lot lines, including road frontage: Minimum of 30 feet, plus height of structure, including rotor radius

##### Maximum height for tower structures:

Shall comply with manufacturer's minimum effective height, but in no case shall structure exceed 200' including rotor radius.

##### Sound levels:

The minor wind power generating facility system shall not exceed 55 decibels using the A scale, as measured at the property line, except during short term events such as severe wind storms and utility outages.

##### Shadow Flicker:

Small wind energy systems shall be sited in a manner that minimizes shadowing or flicker impacts. The applicant has the burden of proving that this effect does not have significant

adverse impacts on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.

**Design standards:**

Towers and rooftop structures shall be painted grey, tan, or brown as appropriate to the surroundings.

**Abandonment:**

At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the Zoning Officer by certified mail of the proposed date of abandonment or discontinuation of operations.

The owner shall physically remove the system within 90 days of the date of abandonment. This period may be extended at the discretion of the Zoning Officer. Physical removal will include removal of the generator, tower, and related above-grade structures, and restoration of the location of the system to its natural condition.

If the owner fails to give notice, the system shall be considered abandoned if the system is out-of-service for a continuous 12-month period. After 12 months of inoperability, the Zoning Officer may issue a notice of abandonment, to which the owner will have 30 days to respond from receipt date. If the owner fails to respond to the notice of abandonment, the Zoning Officer may pursue legal action to have the system removed at the owner's expense.

**Violation:**

It is unlawful for any person to construct, install, or operate a wind energy system that is not in compliance with this ordinance.

## **STANDARDS FOR SOLAR PANEL INSTALLATIONS**

**Application for Solar Panel Installation, Site Plan Review**

In addition to site plan review requirements described in Section 610 Hounsfield Local Law, application for a ground-based solar panel power generating system shall include:

1. Location of all structures, trees, other significant or unusual features on the property within 15 feet of any adjacent property line.
2. All information prepared by the manufacturer of the ground based solar panels including, but not limited to the panels make and model, the manufacturer's design data, construction plan, and installation instructions.
3. Documentation of the intent and proposed capacity of the solar panel system.
4. A completed Environmental Assessment Form (short form)

For rooftop or wall installations on existing structures, homeowners are exempt from the above application requirements, except for items 2 and 3.

#### Definitions:

Defined as a solar panel energy system, including panels and storage batteries, for onsite power consumption.

#### Siting:

Panels may be installed on the ground, rooftop, or on the walls of the structure. For ground-based installations, clearing of natural vegetation shall be limited to that which is necessary for construction, operation and maintenance of the system, and is otherwise prescribed by applicable laws, regulations, and ordinances.

#### Setbacks:

From road frontage: Minimum 50’.

From side and rear property lines: 15’ minimum

#### Violation:

It is unlawful for any person to construct, install, or operate a solar energy production system that is not in compliance with this ordinance.

## **STANDARDS FOR MINOR GEOTHERMAL INSTALLATIONS**

### Application for Minor Geothermal Installation, Site Plan Review

In addition to site plan review requirements described in Section 610 Hounsfield Local Law, application for a geothermal installation shall include:

1. Location of all structures, trees, other significant or unusual features on the property within 15 feet of any adjacent property line.
2. All information prepared by the manufacturer of the geothermal system including, but not limited to the make and model, the manufacturer’s design data, construction plan, and installation instructions.
3. Documentation of the intent and proposed capacity of the geothermal system.
4. A completed Environmental Assessment Form (short form)

Definition: A geothermal installation of an underground heating and cooling system for onsite use only.

Siting and setbacks: May be installed vertically or horizontally. In the case of horizontal systems, all installations must remain within 15 feet of the side and rear property lines.

#### Installation:

All geothermal systems shall be installed by a licensed contractor and must meet all applicable building code standards.

**Violation:**

It is unlawful for any person to construct, install, or operate a geothermal energy system that is not in compliance with this ordinance.

## **STANDARDS FOR METHANE DIGESTERS**

**Intent:** The intent of these standards is to support modern agricultural technology while minimizing the impact on neighboring properties. Appropriate scale must be considered and documented, correlating capacity of methane digester facility with size of land parcels.

Application for Methane Digester installation, site plan review on agricultural properties only. *All other zoning districts shall not be considered for this use.* In addition to site plan review requirements, described in Section 610 Hounsfield Local Law, application for a methane digester installation shall include:

1. Location of all structures, trees, other significant or unusual features on the property within 100 feet of any adjacent property line.
2. All information prepared by the manufacturer of the methane digester system including, but not limited to the make and model, the manufacturer's design data, construction plan, and installation instructions.
3. Documentation of the intent and proposed capacity of the digester system, including holding ponds, tanks, and/or pools.
4. A completed Environmental Assessment Form (long form)

**Standards Documentation:**

Applicant shall address and document performance standards for siting to minimize impacts on neighboring properties, which shall include considerations of odor, prevailing wind patterns, proximity to non-agricultural properties, operational noise, and specific hours of operation.

**Siting and setbacks:**

Systems shall be installed on agricultural properties only. Must meet setback regulations as described for location of significant features of adjacent properties, and siting performance standards.

**Installation:**

All digester systems shall be installed by a licensed contractor and must meet all applicable building code standards.

**Violation:**

It is unlawful for any person to construct, install, or operate a methane digester system that is not in compliance with this ordinance.

